



Senate

General Assembly

January Session, 2007

File No. 526

Senate Bill No. 1270

Senate, April 18, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING NOTICE IN DRAM SHOP ACTIONS INVOLVING DEATH OR INCAPACITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-102 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007, and*
3 *applicable to causes of action arising on or after said date*):

4 If any person, by such person or such person's agent, sells any
5 alcoholic liquor to an intoxicated person, and such purchaser, in
6 consequence of such intoxication, thereafter injures the person or
7 property of another, such seller shall pay just damages to the person
8 injured, up to the amount of two hundred fifty thousand dollars, or to
9 persons injured in consequence of such intoxication up to an aggregate
10 amount of two hundred fifty thousand dollars, to be recovered in an
11 action under this section, provided the aggrieved person or persons
12 shall give written notice to such seller within one hundred twenty days
13 of the occurrence of such injury to person or property of such person's
14 or persons' intention to bring an action under this section. In

15 computing such one-hundred-twenty-day period, the time between
16 the death or incapacity of any aggrieved person and the appointment
17 of an executor, administrator, conservator or guardian of such person's
18 estate shall be excluded, except that the time so excluded shall not
19 exceed one hundred twenty days. Such notice shall specify the time,
20 the date and the person to whom such sale was made, the name and
21 address of the person injured or whose property was damaged, and
22 the time, date and place where the injury to person or property
23 occurred. No action under the provisions of this section shall be
24 brought but within one year from the date of the act or omission
25 complained of. Such injured person shall have no cause of action
26 against such seller for negligence in the sale of alcoholic liquor to a
27 person twenty-one years of age or older.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2007, and applicable to causes of action arising on or after said date</i>	30-102
-----------	---------------------------------------------------------------------------------------------------	--------

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill restores the 120-day tolling of the statute of limitations in Dram Shop Actions involving death and incapacity situations. There is no related fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 1270*****AN ACT CONCERNING NOTICE IN DRAM SHOP ACTIONS
INVOLVING DEATH OR INCAPACITY.*****SUMMARY:**

The Dram Shop Act makes a liquor seller liable if he or his employee sells liquor to an already-intoxicated person who injures a person or property. An injured party has 120 days to notify the seller of an incident and his intention to sue for damages.

If the injured person dies or is incapacitated, this bill allows up to 120 days between the death or incapacity and the appointment of an executor, administrator, conservator, or guardian to be excluded from the 120-day deadline.

EFFECTIVE DATE: July 1, 2007 and applicable to causes of action arising on or after that date.

BACKGROUND***Dram Shop Act***

The Dram Shop Act does not require proof that the seller acted negligently. The maximum amount that can be recovered is \$250,000 for injuries to a single person and \$250,000 in aggregate for injuries to more than one person. The actual amount of liability in a particular case is determined in court.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (04/02/2007)